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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,217	07/02/2001	Nobuyuki Tanaka	204080/00	8539

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EXAMINER	
PATEL, SHEFALI D	

ART UNIT	PAPER NUMBER
2621	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/895,217	TANAKA, NOBUYUKI	
	Examiner	Art Unit	
	Shefali D. Patel	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 December 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6-10,16-20,22 and 23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6-10,16-20 and 22-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 December 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment was received on December 15, 2004.

2. Amendment to the specification and drawings of Figures 8-10 has been accepted.

3. Claims 1-5, 11-15 and 21 have been cancelled.

4. Claims 6-10, 16-20 and 22-23 are pending in this application.

Response to Arguments

5. Applicant's arguments filed on December 15, 2004 have been fully considered but they are not persuasive.

Applicant argue on pages 7-8 stating that "the watermark insertion device of this invention differs from the prior art device shown in Figure 8 of the application by the inclusion of predetermined information in a table file." Applicant states that the claims require reading the compressed image data and a table data. Applicant further states, "Neither Chung nor Ryan teaches a table file which defines a low-order four bits of the watermark. Therefore, no combination of the two references would make the claimed invention obvious."

The examiner disagrees. Nowhere in any independent claims 6, 16, 22 or 24, there is a mention of defining watermark bit being the low-order four bits. Also, these independent claims are detecting an electronic watermark, which is simply a reverse method of embedding an electronic watermark. Since detecting is reverse of embedding and embedding is disclosed by Chung in view of Ryan (in first Office Action), the detecting of a watermark is met by these reference as well. More importantly, Chung discloses watermark remover 242, 270 and IDCT 224, 256, 274 as well as reading compressed MPEG2 moving pictures (see the rejection below).

Claim Objections

6. Claim 6 is objected to because of the following informalities: Claim 6 line 3 "a table date," ought to be "a table data,". Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 6-10, 16-20 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung et al. (US 6,310,962) (hereinafter, "Chung") in view of Ryan, et al. (US 6,374,036) (hereinafter, "Ryan").

With regard to **claim 6** Chung discloses a device that detects an electronic watermark embedded in an original image (Figure 6), comprising: a circuit reading a compressed image data (reading/inputting MPEG2 moving pictures as seen in Figure 6); a circuit decoding the compressed image data in which the watermark is embedded (watermark remover 242, col. 8 lines 48-51); a circuit performing inverse discrete cosine transform (IDCT) for the decoded data (IDCT 224, col. 8 lines 51-59); a circuit detecting electronic watermark data embedded in the data for which IDCT has been performed (VLC & MUX 236 to output encoding bitstream, Figure 7, col. 9 lines 4-32). Chung does not expressly disclose a table data defining an instruction corresponding to bit-data included in a part of an electronic watermark and having a circuit performing processing according to said instruction. Ryan discloses the watermark containing instruction such as "copy-once," "copy-never," "copy no more," etc. at col. 4 lines 33-36, 64-66, col. 5 lines 22-29. These instructions are performed according to the electronic watermark. Ryan and Chung are combinable because they are from the same field of endeavor, i.e., watermark encoder/decoder system. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to

combine the teaching of Chung with Ryan. The motivation for doing so is to offer improved economics and security over the existing art as suggested by Ryan at col. 2 lines 30-33. Therefore, it would have been obvious to combine Chung with Ryan to obtain the invention as specified in claim 1.

With regard to **claim 7** Ryan discloses the electronic watermark as eight-bit data (col. 4 lines 26-28) and the bit-data is four-bit data (col. 4 lines 39-42, col. 5 lines 23-29).

With regard to **claim 8** Ryan discloses instructions to display characters (col. 5 lines 59-62 where "copy-once," "copy-never," "copy no more," etc. is being displayed).

With regards to **claims 9-10,** it would have been obvious matter of design choice to modify Ryan's reference by having an instructions to access a website on the internet or start an application process since applicant has not discloses that having an instructions to access a website on the internet or start an application process solves any stated problem or is for any particular purpose and it appears that Ryan's invention of having instructions for "copy-once," "copy-never," "copy no more," etc. would perform equally well with having an instructions to access a website on the internet or start an application process (as disclosed in Ryan at col. 16 lines 22-25).

Claim 16 recites identical features as claim 6 except claim 16 is a method claim. Thus, arguments similar to that presented above for claim 6 is equally applicable to claim 16.

Claim 17 recites identical features as claim 7. Thus, arguments similar to that presented above for claim 7 is equally applicable to claim 17.

Claim 18 recites identical features as claim 8. Thus, arguments similar to that presented above for claim 8 is equally applicable to claim 18.

Claims 19-20 recites identical features as claims 9-10. Thus, arguments similar to that presented above for claims 9-10 are equally applicable to claims 19-20.

Claim 22 recites identical features as claim 6 except claim 22 is a computer readable recording medium claim (Figures 6-7 of Chung). Thus, arguments similar to that presented above for claim 6 is equally applicable to claim 22.

Claim 23 is a broad version of claim 6. Thus, arguments similar to that presented above for claim 6 is equally applicable to claim 23.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shefali D. Patel whose telephone number is 571-272-7396. The examiner can normally be reached on M-F 8:00am - 5:00pm (First Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571) 272-7695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shefali D Patel
Examiner
Art Unit 2621

June 6, 2005

JOSEPH MANCUS
PRIMARY EXAMINER